

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Albert C. Burgess, Jr.,

Case No. 24-CV-02676 (JMB/LIB)

Petitioner,

v.

ORDER

United States of America,

Respondent.

This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois dated October 8, 2024. (Doc. No. 4.) The R&R recommends that Burgess's petition for writ of habeas corpus be dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). (*See id.*) Neither party objected to the R&R. *See* D. Minn. L.R. 72.2(b)(1). In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam).

Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 4) is ADOPTED.
2. The Court dismisses this action without prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 14, 2024

/s/ Jeffrey M. Bryan
Judge Jeffrey M. Bryan
United States District Court